IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO. 45 OF 2007.

Smt.Vandana Hemant Mehta. ... Applicant.

Versus.

Hamant Indulal Mehta. ... Respondent.

Shri H.R.Pawar for the Applicant.

CORAM : ABHAY S.OKA, J.

DATED : 19th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant. The submission is that the averments made in paragraphs 13, 15 and 16 are the grounds on which the Applicant is seeking transfer of the pending case before the learned Judge of the Family Court. The allegation made in paragraph 13 is that the discussion which took place in the Court regarding the settlement is not properly recorded in the roznama. There is a general allegation made that the learned Judge was not accommodating the Applicant or her Advocate. Averments made in paragraphs 15 and 16 can at the highest be said to mean that the orders passed by the learned trial Judge are incorrect or wrong. Ground A in paragraph 17 is only a general allegation. None of the grounds set out in paragraph 17 make out a case for passing an order of transfer.

2. If on account of a real genuine difficulty, either the Applicant or her Advocate is unable to attend

the Court on the date fixed for hearing, the learned trial Judge is normally bound to accommodate the Applicant. No case is made out for passing an order of transfer. The Application is rejected. It is, however, made clear that no adjudication has been made as regards the legality or propriety of the orders passed by the learned Judge of the Family Court which are referred to in this application.

Judge.